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ABSTRACT

This manual provides information to assist bar association staff and officers in explaining the role and function of the bar and in dealing with critical public-relations problems. Sections discuss the use and value of public relations, public relations and the role of the bar, public-relations problems, and major public-opinion problems confronting the legal profession. Advice for responding to the critical news story and to criticism in general is given, and tips for being interviewed and for using the media of radio and television are outlined. Finally, comment is directed toward effective representation of the bar before the legislature. (KS)

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# A READY PR REFERENCE FOR BAR EXECUTIVE STAFF AND OFFICERS

Prepared to explain the role and function of bar public relations and to provide material for use by bar executives in meeting critical PR problem situations which may arise.

STATE BAR OF GEORGIA
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# STATE BAR OF GEORGIA

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This READY PR REFERENCE has been prepared with a view toward the bar staff or executive officer (including the president and president-elect of your association) who, in the course of his or her duties, may have contact with the news media or be in a position to act as spokesperson for the bar. It is written in easy, simple to digest language.

In the past, very little has been written to orient the chief executive bar officer, lawyer-volunteer or staff-member regarding bar public relations. While the president-elect may be aware of the programs and policies of your association, is he or she equally as conversant when it comes to bar PR?

This PR manual is not the last word; it wasn't meant to be. The possibilities for expanding the material are endless and may prompt you to adapt it to your own needs. Sound judgment, recognition of circumstances peculiar to your area, knowledge of local conditions and a good helping of common sense are the prime ingredients to successful use of this material.

We hope you will find the information contained inside to be useful and we encourage any comments you may have. Written requests for extra copies of this manual will be accepted. This material is furnished as a public service by the State Bar of Georgia, distributed through its PR and Local Bar Activities Committees.

Bradley G. Carr
Director of Information

# A Ready PR Reference for Bar Executive Staff and Officers

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# Introduction

Public relations is an integral function of the legal profession, whether we are always aware of it or not. The profession depends, as few others do, on public understanding and approval.

In the years ahead, this acceptance will become even more vital as public opinion changes, as traditional ways of administering justice are challenged, as minorities and other groups assert their constitutional rights, as the number of lawyers increase, and as the profession itself attempts to resolve new and unprecedented legal and social issues.

The legal profession is not an island unto itself. It is in the mainstream of American life. It must be responsive to the human needs of society. The law is neither rigid nor detached from those whom it serves, and neither can members of the legal profession function apart from society. They must reach out, become more visible as part of the social fabric, and help the citizenry to realize more fully that the law serves the people, not the people the law.

By promoting a healthier, more personal understanding and appreciation of the law, the legal profession can build a greater confidence in the profession, and a greater respect for the individual attorney and judge.

Millions of Americans simply do not know the law, understand the legal process, or comprehend its function in promoting individual rights and social justice.

For many, the law is merely an institution—necessary, respected, but essentially mysterious and inwardly directed—a world of legalistic mumbo-jumbo, conceived and operated primarily to decipher and interpret equally confusing laws and small print.

For still others, the law is a "system"—favored toward some, capricious toward others, and downright malicious toward others. To them, the law is repression, injustice, a yoke of authority—the very antithesis of what it is intended to be.

The result of these varying public concepts is a reaction ranging from apathy to outright resentment. Such response is not consistent with a profession dedicated to improving the administration of justice and protecting individual rights.

The job of putting the legal profession in proper public perspective rests squarely with the profession itself, and especially with communicators within the profession. No one else is going to do it—not the government, not the colleges, not the news media, not public common sense.

# Public Relations—Its Use and Value

Public relations is the sum of what people think and how they react to any given subject. These impressions, opinions and responses exist whether we do anything about them or not. In this sense, we have public relations—that is, relations with the publi.—all the time. These relations may be good or they may be bad. And they are constantly changing.

The lawyer and judge practices public relations in every act of his life, professional or private. Everything he does, and everything he says, contributes to the mosaic that is somebody's opinion about him. The public relations of the legal profession, therefore, is the sum total of the public relations of individuals who comprise the profession.

There are many definitions of public relations, depending on what it means to different people.

*Webster's New World Dictionary* defines public relations as:

> Relations with the general public through publicity; those functions concerned with informing the public of activities, policies, etc., and attempting to create favorable public opinion.

Here are some other definitions:

> Public relations is the conscious effort to influence people, primarily through communication, to think well of an organization, to respect it, to support it, and to stick with it through trial and trouble.

> Public relations is the collective effort of any group to win the esteem of people, by its conduct to deserve that esteem, and by its communication to maintain it.

> Public relations is a function which evaluates public attitudes, identifies the policies and procedures of an individual or organization with the public interest, and executes a program of action to earn public understanding and acceptance.

No matter how it is defined, efforts to build better relations with the public are futile and meaningless unless a bar's own activities and accomplishments justify that effort.

Good public relations must begin within the bar itself. The two essential elements are good performance and communication to the public. In short, doing the right thing and then getting credit for it.

Good performance, however, does not automatically lead to good public relations. What a bar may consider a commendable performance, the public may not. And even if performance is in accord with public thinking, it will win little support if no one knows about it.

Good public relations starts with the attitude that the bar has definite responsibilities to its

various publics and to the community in general. This must be followed by specific policy decisions on matters that affect people. Then these decisions must be practiced through demonstrated performance.

Effective communication is a two-way process. In order to best serve the public interest, a bar must know what the public interest is and be receptive to comments, suggestions and criticisms. In other words, a successful program for improving relations with the public must provide for input *from* the public as well as output *to* the public.

Each bar exists within a particular set of internal and external circumstances; its public relations program should be tailored accordingly. There is no such thing as the "right" or "perfect" program, least of all one that can be adapted to every bar or set of circumstances. Effective public relations ultimately is the concerned application of good judgment, common sense, and basic communications techniques tailored to the needs and opportunities of each individual bar.

In a very real sense, good public relations is the responsibility of every member of the legal profession. What an attorney or judge says and does in his daily contacts, both in his business life and personal life, reflects favorably or unfavorably upon himself. For the bar, which represents a large number of individuals, the responsibility is thus magnified many times.

# Public Relations Role of the Bar

The objective of each bar must constantly be to increase public understanding and support for the bar and bench, the legal profession and, indirectly, for every practicing attorney and judge.

To achieve this objective, the bar should:

1. Take the initiative in keeping the public informed about bar policies, operations, activities and services.
2. Make available to members the same information given to the public so they will be better able to represent the bar to the public.
3. Develop and maintain favorable relations with all segments of the state or community, including the news media, government officials, and opinion leaders.
4. Encourage public response and comment to its policies, operations, activities and services.
5. Be alert to problems or circumstances that threaten its goodwill, and initiate or participate in efforts to correct misinformation or unfavorable opinion about the bar and the legal profession.

No matter how comprehensive and well directed a bar's public relations program may be, no formal program can substitute for good relations between the lawyer and his clients. Individual relations are basic to all other bar relations with the public. The bar's effort necessarily builds on the residual goodwill already present. An effective public relations program can build goodwill for the legal profession or prompt more people to seek lawyers' services. But what a client tells his friends about his personal experience with a lawyer depends entirely on the quality of service received, and how well he understands and appreciates the value of that service.

For the most part, the law is practiced locally, by local lawyers, in local courts, for local clients. No amount of newspaper publicity or television and radio promotion can equal the good of person-to-person public relations. It is in the local community that most people know real-life lawyers and judges. It is there that they see the system of justice at work —from the traffic court through the big trials, in their lawyer's offices, and in their daily contact with lawyers and judges who are involved in community programs.

Conversely, it is from the people who make up the community that the lawyer finds his clients. It is to this public that the judge must look for re-election. And it is to this public that the bench and the bar must look for support in troubled times.

Therefore, the public and the legal profession share an intense interest in one another. Relations with each other are inescapable. The paramount question is: What kind of relations are they going to be? That is answered through communication—in short, effective public relations.

# Public Relations Problems

The legal profession has no monopoly on public relations problems. Every segment of society has its share, and thinks that its problems are greater than those of any other.

But many of the legal profession's problems are singularly its own. And they raise any number of basic issues that should be considered and acted upon from time to time.

The following is a summary of some of these very basic and timeless issues:

- Because of our system of Common Law, the legal profesison must necessarily resolve new situations by first referring to earlier court decisions. To many people, this seems a curious and often inadequate way to solve current problems. Rapidly changing times can outpace the changes in our system of laws. The result is a disgruntled public, despite increased efforts to keep the law and its procedures up-to-date.
- The rationale of our procedural law is difficult for many people to follow. They wonder, for example, why the courts free "known" criminals on a technicality, or because of inadmissibility of certain evidence. The law, of course, presupposes that an accused is innocent until proved guilty, according to established rules of procedure. On that basis, it is presumed there are no known criminals at large. Nevertheless, many persons doubt that adversary trials are the pathway to truth because of the legal "loopholes" available.
- The situation becomes more confusing when one arm of the justice system attacks the other—for example, when the defense attorney attacks the prosecutor or the judge, and vice versa. To people who are asked to respect the law, this suggests a lack of respect among members of the profession itself, and further reminds them that the law is not clearly defined but is a matter of interpretation and perhaps personal judgment, even bias.
- The public often regards lawyers as experts in "sharp" practices, as demonstrated by their ability to use otherwise valid laws in defense of violators.
- The public is aware, especially as a result of Watergate, that some lawyers fail to comply with their professional obligations, and that some bar associations are reluctant to take disciplinary action against offenders.
- The technical language of the law is confusing, such as the terminology used in legal documents, for instruction of jurors, and the in-group vocabularies of lawyers and lawmakers. Because such language seems intentionally vague, the public often feels its best interests are not being served and that the law seems designed to perpetuate the need for lawyers.

# Major Public Opinion Problems Confronting the Legal Profession

Numerous bar public relations directors and members of the Division of Communications of the American Bar Association list the following as major problem areas causing a decline in public opinion toward the legal profession. These are not listed in any order of importance. They represent priority areas on which the bar should focus a Coordinated Communications Plan based on well-defined objectives and an effective implementation program.

1. **High cost of legal services.**
   A persistent complaint is the general attitude that the cost of retaining a lawyer is too high, even for writing a will or negotiating the purchase of a home. Aggravating this complaint is the added cost of prolonged litigation, such as that involved in a divorce case or court trial. The profession's opposition to no-fault automobile insurance, for example, only serves to convince the public that the average lawyer is more interested in his own pocketbook than in the client's ability to pay or the swift ministering of justice. Lacking the facts of law economics to prove otherwise, the news media has capitalized on this public grievance to add fuel to the fire.

2. **Lack of adequate legal services.**
   This problem area is of particular concern to the poor, those charged with crimes, the incarcerated, minorities, and those immediately in need of legal counsel. They feel relatively unprotected under the law, and as a result feel deprived of their equal rights. Consequently, the law is often regarded as an oppressor rather than a fair dispenser of justice. Citizens in every strata of society experience difficulty in knowing where and how to select a qualified attorney for their particular legal problem. As a result, they, too, feel deprived of adequate access to the legal process and of being properly represented. Because of the frequency with which a lawyer must be involved in their personal or business matters, people develop a resentment of this need and ultimately ask, "Is a lawyer really necessary?"

3. **Lack of understanding of legal system.**
   Many citizens chafe at the lengthy (and costly) procedures involved in the legal process. Although these procedures are designed as safeguards, they are often interpreted as obstacles to the prompt rendering of justice. The laws appear to benefit the lawyers more than the clients whom they serve. The actual rendering of justice likewise often appears to favor the wealthy, those with political influence, and those who are lucky enough to have the services of a lawyer who can take advantage of loopholes in the law. Contributing to this impression is the use of plea bargaining, the apparent disparities in sentencing, availability of bail only to those who can afford it, and other seeming inequities.

4. **Doubts about lawyer ethics and discipline.**
   The Watergate affair has focused attention upon the ethics and morality of those holding a law degree, which threatens to undermine confidence in the practicing lawyer and to reinforce the opinion of those who already are suspect of some lawyers' motives and dedication to equal justice. The public wonders what is being done by the profession itself to punish these violators and to bring the weight of the law

against transgressors within its own ranks. Lacking any visible sign that such is being done, they sense a procrastination at best and, at worst, a cover-up or outright ignoring of the problem.

5. **Doubts about lawyer competency.**
The basic mystery and mystique surrounding the practice of law are being compounded by charges from within the legal profession itself that lawyers are not as competent as they should be, and that many in fact may be downright incompetent. Aside from the basic mistrust and doubt created, they add credibility to those who feel that they have not been properly represented and therefore harbor a grievance against their lawyer. Their frustration is accelerated by a lack of knowledge as to where to turn for redress.

6. **Access to law schools and relevance of bar exams.**
So-called reverse discrimination in law school admissions and the appropriateness of bar exams, especially for members of minority groups, seem certain to become more important issues that will attract the attention of the news media and therefore become a focus of public attention. The stance and appropriateness of the ABA position on these matters will have a big influence on public opinion toward the ABA and the legal profession, especially among minority groups, young adults, and both liberal and conservative segments of the public.

7. **ABA influence in screening of federal judges.**
This issue may be of immediate concern to only a limited group, but sufficient unfavorable publicity could project it into a political issue that would attract widespread attention and force a public judgment as to whether the ABA — a private, "self interest" organization — should have the power and influence to determine the selection of judges supposedly serving the "public" good. Occasional disputes over opinions of the Standing Committee on Federal Judiciary, often involving nationally known political figures, could trigger or escalate this issue and place the ABA in a defensive stance.

8. **Merit selection vs. election of judges.**
This issue within the legal profession is not yet a major public issue. But discussions and controversy could project it into the public limelight, and it is possible that the ABA position could run counter to prevailing public sentiment. If so, the Association could be cast in the light of serving its own interests at the expense of the public, regardless of inherent merit.

9. **Conflicting and negative public statements within the profession.**
In a national, volunteer organization of more than 180,000 members, it is impossible to expect unanimity of opinion on any given issue. Therefore, it is impossible to expect a unanimity of public utterances on those issues, which are then disseminated by the media for public consumption. The fact remains, however, that divergence of opinion and expression undercuts not only ABA policy but the public relations efforts to promote understanding and acceptance of that policy. In that sense, the legal profession may be considered to be its own worst enemy and the propagator of adverse public relations.

10. **ABA elitism and conflict of interest.**
On occasion, a muckraking article will appear condemning the ABA for being governed by an elitist few, without "balanced" representation. The media will point, for example, to a committee whose membership is predominantly on one side of the issue with the implication or charge that such individuals cannot be truly unbiased and objective. In the public mind, therefore, is raised the question of moral integrity and sincerity of purpose on the part of both the individual and the ABA.

11. **Courts are impersonal, archaic, slow.**
In an age characterized by a faster pace, constant innovation and streamlining, coupled with a growing sensitivity to the consumer, the nation's courts appear to be an anachronism both in their internal procedures and their outward appearance. Potential jurors, especially in larger cities, often look upon themselves as so many cattle, herded into waiting rooms with little or no explanation of what to expect, and then often dismissed after having lost a day's work. Court personnel are often curt and autocratic. Courtrooms are sometimes too hot in summer and too drafty in winter. Cases seem to be handled with mechanical dispatch, with little regard for extenuating circumstances or for the integrity of the individual. Fines are levied with routine abandon. Such complaints are most usually leveled at traffic courts.

12. **ABA accreditation of law schools.**
Until recently, few people seriously questioned the propriety of the ABA passing on the qualifications of law schools. But in the present political and social climate, such power is being increasingly questioned because it allegedly forces adherence to a single set of criteria, stifles otherwise legitimate institutions, poses a threat to innovation and educational freedom, and tends to mold and perpetuate legal training along traditional and perhaps repressive legal standards which may ultimately fail to serve the needs of a changing society.

# Responding to the Critical News Story

Probably the most difficult problem is the fast-breaking, hostile news story. When it appears, remember one thing: you can't suppress it. Normally, the best course is to let it be a one-day wonder and die a natural death in the on-rush of other news that will preoccupy the reader or listener. But first, ask yourself three questions:

1. Is the story really important, or merely irritating?
2. Is it really harmful, or are there some redeeming features that make it beneficial?
3. What can be done if it is truly harmful?

A critical news story or editorial is important, for example, if it undermines the bar's credibility, insults the membership, threatens your legislative or disciplinary program, or impairs the climate for the proper practice of law.

Here are a few considerations to keep in mind:

1. Protect the bar's credibility at all cost.
2. Make absolutely sure the story is genuinely detrimental.
3. Don't compound the problem by making the initial story into a "running" news story.
4. Don't quibble.
5. If action should be taken to refute the story, do it as soon as possible.

The following is an example of some proven methods of responding to criticism by the media . . .

# Responding to Criticism

NOTE: The following series is reproduced in part and originally appeared in a widely respected public relations periodical, the *PR Reporter*, published in December, 1969. The author, Robert L. Barbour, has granted written permission to republish this material as a part of this manual.

It can be news to no one that we're living in the Age of Criticism. Nor can it be news that no company, industry, or institution today is immune from criticism, whether or not justified. Since this is so, it would seem prudent for public relations directors to consider some of the forms criticism generally takes, the motivations frequently involved, and how various business interests react publicly under fire. From this analysis certain broad guidelines, or "reaction rules," will emerge which should be useful.

## TYPES OF CRITICISM

There are two categories into which most criticisms of a business, an industry, or an institution fall. One is the written **attack** in book or article form. The other is the **sincere complaint** . . . the criticism, valid or not, filed in simple protest or in expectation of redress or other corrective action.

### The Attack

An attack, whether by book or by article, is a sensational exposé almost always written for the express purpose of making money for the author and publisher, or to maintain a franchise, or to fulfill a commitment. One of the most recent is a book about airline operations called "*It Doesn't Matter Where You Sit.*" Another is "*Pay Now, Die Later,*" a paperback about the life insurance industry. Jack Anderson, heir to the syndicated Drew Pearson column, is a master of attack through presenting half-truths and truths out of context. A few weeks ago, for example, he accused the casualty insurance business of trying to welch on claims in connection with Hurricane Camille.

Anyone halfway literate can attack General Motors or AT&T for being "a monopoly," or a giant life insurance company for "growing rich on the lapsed policies of the poor." If the attack is in book form, there are usually so many distortions that you either have to write another book to refute them — which obviously is impractical — or issue a general denial, which is thoroughly unconvincing and merely says: "We did not, either—. . ." Thus the only alternative is to read it and forget it. Only a fraction of the public will buy the book, and it will soon wind up on the lists of the remainder houses. That's where the airline and life insurance books are right now, after negligible sales. The shelves are full of such exposés.

If the attack is widely distributed in article form, like the Anderson column, you either should answer it right away — within 24 hours — or forget that one, too. In the case of Anderson vs. the casualty companies, the industry gathered that the columnist was going to write a negative story about insurance and Hurricane Camille from the kind of inquiries he was making. So the Insurance Information Institute — the PR arm of the stock fire & casualty companies — tried to anticipate what Anderson would say and drafted a tentative rebuttal. When the column appeared, the rebuttal was promptly revised, telephoned to III's regional offices and in turn telephoned to all area newspapers subscribing to the Anderson feature. In many cases the industry's answer appeared right alongside the syndicated story, and in most cases where the rebuttal was used it was printed within 24 hours of the Anderson article. If the rebuttal had appeared a week or two later it would have served no useful purpose and in fact would simply have called attention to a negative story a lot of people either hadn't read or had largely forgotten.

**The Sincere Criticism**

Criticism sincerely offered in simple protest or in anticipation of redress or other corrective action may appear in book form — as did Ralph Nader's *"Unsafe At Any Speed"* — or in an investigatory report to Congress, or in a newspaper editorial, or by letter, telephone call, or personal visit. In any case, and whether or not the criticism is valid, it should not be ignored. Because to ignore it, of course, is to create ill will and more criticism. More importantly, by ignoring this type of criticism you miss the opportunity of turning a negative situation into a positive one.

**For example:** International Paper Company had turned some of its forest holdings in North Carolina and Virginia into more profitable land developments. But when it decided to do the same thing in Vermont and its intentions were carried in the press, citizen anger closed in from all sides. IP was unaware that Vermonters were already up in arms against developers coming in and despoiling their natural forests. Meetings of the citizenry were held in the State Capitol. A special session of the State Legislature was proposed. The Governor personally called IP's president, asking him to stop work until something could be worked out.

IP's president agreed to do so, then turned the matter over to public relations, which carefully made no statements except that 1) the company recognized there was a problem; 2) it certainly didn't want to upset Vermonters; 3) further operations therefore would cease pending reappraisal of the matter. Then PR invited the head of the State Planning Commission to view by plane IP's Southern developments. During the trip, they confessed they had no idea Vermonters would object to the kind of development they'd created there, and stated frankly they didn't realize that Vermont had its own peculiar ecological problems.

Today, International Paper has a landscape architect working on plans that must be agreeable both to the company *and* the State of Vermont before another tree is allowed to fall. The head of the Vermont Planning Commission thinks IP is a great company and says everyone he's talked with is happy to have IP around... that it's "obviously going to be a good neighbor." The press has backed up this sentiment.

In short, IP took a negative situation and turned it into a positive one. Instead of trying to justify its original development plans in the face of strong citizen protest, thereby getting into a public argument bound to create still more hard feeling, it took the position that certainly from a Vermonter's viewpoint the criticism was valid. It investigated the criticism, took a new approach to its objective which the citizenry approved of, and thereby earned a bonus crop of valuable good will.

Now consider the advantages of *turning aside criticism by acting before you have to react*. Here are two examples of this technique:

Few companies have come under such strong criticism from young people as *Dow Chemical*. It was the target of more than 200 demonstrations protesting the manufacture of napalm before the company moved into what it called its "Phase 2 PR Approach." This was the strategy of deliberately looking for trouble areas before they erupted into demonstrations, then taking the facts about Dow, its principles and its products right into the "enemy camp." In other words, Dow acted before it had to react; it told its story to students whenever fresh demonstrations appeared likely... and the approach worked.

Shortly after Pat McGinnis won control of the old *New Haven Railroad* and started it on its rapid decline into bankruptcy, trains began running anywhere from 10 minutes to half an hour late with increasing frequency. So the PR Department started putting mimeographed notices on the seats of trains that had been late the previous day, explaining what had happened. By acting before it had to react to criticism, it not only mollified passengers but also drew startled editorial comment from several important newspapers. For instance, said the *NY Daily News*, in part: "Can this be the New Haven? If so, we congratulate its management on a change of heart.... It may not be much of a railroad now, but at least it's on the right track."

There's a postscript to this story. As the railroad property deteriorated, late trains became so common that PR couldn't just keep explaining why over and over again. So it adopted a good-humored, here-we-go-again approach. Now the train seat notices went like this typical one: "Well, it happened again yesterday. When we were supposed to switch from third rail to overhead power, someone forgot to put up the pantagraph in time. That's the thing on top of the engine which makes contact with the hot wire. We're embarrassed about getting caught with our pantagraphs down." With this kind of message, PR almost had commuters hoping there *would* be a delay! And newspapers all up and down the line added to the bonus of goodwill the railroad reaped by adopting the act-before-you-have-to-react technique *and* turning a negative situation into a positive one.

There's a third technique for meeting sincere criticism — *the "ombudsman" approach* — which is gaining popularity. As now defined, an ombudsman is a person officially designated by a company, an industry, or a government to act as a representative of the public — or a segment thereof — within the organization. He investigates every complaint immediately, sees that all valid complaints are promptly settled, and — whenever possible — recommends

methods for eliminating trouble spots. The secret of his effectiveness is this: His name and direct telephone number in the executive suite are widely publicized, along with the fact that he has the authority to act on complaints without having to level a mountain of red tape. The public is asked to telephone him whenever anything seems wrong. He's the direct line to the top.

The *Louisville Courier-Journal* has had an ombudsman for two years. He checks every criticism of news coverage telephoned to him. If he's convinced, after investigation, that coverage of a given event was one-sided or incomplete, he'll send a reporter to get the rest of the story. Then it will be printed, along with an explanation that the newspaper hadn't done the story justice. Subscribers are impressed by the paper's open and honest approach. It strengthens their belief in it.

## RECAPITULATION

We've noted that in general there are two kinds of public criticism: "The **attack** in book or article form, usually motivated by the desire for personal gain; and **criticism sincerely offered** in simple protest or in expectation of redress or other corrective action.

*Citing airline and life insurance industry cases*, we've noted that it's generally considered better to let a sensational attack book go unanswered; that the only alternatives are to write a book-length rebuttal, which is impractical and guaranteed to keep the pot boiling, or to issue a general denial, which is no rebuttal at all; that only a small fraction of the public is likely to hear about or read the book anyway. *Citing the case of Jack Anderson vs. the casualty insurance companies*, we've noted that sensational attack columns in newspapers should be answered within 24 hours or not at all; that to come through with a rebuttal a week or two later serves only as a reminder that there was a negative article about you and you're on the defensive; that if run at all, a late answer probably will land on the obit page anyhow.

*Citing the case of International Paper vs. Vermonters and New Haven Railroad vs. Commuters*, we've noted that many times a negative situation can be turned into a positive one, and also that one of the best ways of meeting criticism is by acting before you must react. And supported by *the case of the Ombudsman and the Public*, we have re-emphasized that no criticism should ever be ignored, not only because that creates more ill will but also because proper handling can often convert criticism into a goodwill situation.

## CONCLUSION

In summary — and based upon the experiences not only of the companies and industries mentioned herein but of a good many others as well — here is a set of guidelines which should prove useful in complaint situations:

1. **Don't** try to answer a sensational attack book.
2. **Don't** answer an attack column unless within 24 hours.
3. **Don't** ignore, laugh off, or get defensive about, sincere criticism.
4. **Do** look into every complaint and get back to the complainant promptly.
5. **Do**, whenever possible, eradicate trouble spots brought to your attention.
6. **Do** try to turn negative situations into positive ones. Use your imagination!
7. **Do** try to turn aside, or take the sting out of, criticism by acting before.

One effective means of telling the "whole truth" is to write a "Letter to the Editor" when you feel a news story has been unduly critical. This section of a newspaper has a fairly high readership and most publications are conscientious about printing letters, even when they are critical about the publication itself. Also, television and radio stations are allotting time during their news broadcasts for rebuttals to news stories or editorials.

Such replies should be prompt, accurate and presented in laymen's language for easy comprehension. The bar has considerable prestige. Readers and listeners will respect what the bar says if the content is not overly protective of the bar's interests. If such a letter or statement contains half-truths or debatable truths, it may only trigger another critical news story or editorial.

# Television and Radio Tips

Radio and television differ from other media in many respects and, therefore, require an understanding of their special editorial requirements and mechanical needs. But the broadcast media should always be included since they provide a broad range of opportunities to the bar in gaining widespread exposure of its activities.

These opportunities can be categorized into two main types of programming: news and public service.

**PUBLIC SERVICE TIME** — Radio stations usually have more public service time available than do television stations. The Federal Communications Commission requires stations to plan and execute their public service programming with no specific guidelines as to what portion should be public service spots and what portions should be programs. Because network documentaries and nationally distributed public service spots usually give television stations an excess of material competing for public service time, their airwaves are not going to be as accessible to you as would be time on a radio station which must generate most of its own public service programming.

**THE FAIRNESS DOCTRINE** — If your bar association considers itself a victim of unfair news reporting by a television station, you may want to ask the station for time to reply. However, the station is not required to honor your request. The Fairness Doctrine creates no absolute right of reply except for political candidates and private citizens who are attacked on the air. The FCC will require only that the station's overall programming gives both sides of a controversy.

Not to be overlooked as an effective means for reaching the public is cable television, also known as community antenna television (CATV). This medium was born in the 1940's as a means of improving poor reception in rural areas and CATV systems are now in operation in all 50 states. Recent FCC regulations state that CATV systems located in the top 100 markets must have a minimum of 20 channels, including one channel for educational purposes, one for origination of programs by the CATV system itself, one for public access, and one for local government.

As a result, the variety of programming formats these channels offer parallels those employed by regular commercial and educational television stations.

Television or radio interviews can be interesting, stimulating and even exciting. Although for most people they can be a cause of anxiety. A slip of the tongue, a nervous twitch or an evasive manner can be seen by a million people or more.

Interviewers are used to tongue-tied and nervous people and it is often their practice to have "a dry run through" and go through the proposed interview before doing a recording. Sometimes.

This dry run will give you a good idea of some of the questions you are to be asked. But don't be lulled into a false sense of security, for interviewers have been known to throw a loaded question usually at the end.

When this happens, try not to score points off the interviewer but answer him in a straightforward manner. If you can anticipate the most difficult question you are likely to get and have an answer in mind, so much the better.

Don't be afraid of appearing on radio or television. Their impact is great and far-reaching.

Some helpful hints when appearing on television:

- Remember that although you are talking to a large audience, you should pretend you are speaking to a few friends who are comfortably seated in their homes.
- If you're nervous, you can relax your throat muscles by yawning or stretching before air time.
- If you are being interviewed, look, listen, and speak to the person talking to you — unless you have something you wish to address directly to the television audience. In this case, look directly at the camera with the red light on.
- Imagine a good friend is in place of the television camera and talk in ordinary conversational tones with all the enthusiasm and sincerity you have for the subject.
- Resist the temptation to look at yourself on the TV monitor in the studio. It is distracting to the viewer.
- Wear medium tones of gray, brown or blue in a style in which you feel most comfortable. Avoid distracting stripes, pronounced checks or sharply-contrasted patterns that compete for audience attention. Off-white or pastel shades are best for shirts. If you regularly wear glasses, don't try to appear without them. Makeup for men is usually necessary for a shiny baldspot, a heavy beard or exceptionally oily skin.

# Some Simple Do's and Don'ts on the Art of Being Interviewed . . .

**BY ALL MEANS DO:**

1. STRESS THE BAR'S PUBLIC INTEREST AND CONCERN. A bar association obviously concerns itself with matters directly affecting the bench and bar. Yet, by the nature of its activity, the bar has a genuine interest in the public impact of that activity.

   The public welfare as well as public reaction and acceptance is always an important consideration. An editor, as surrogate for the public, will judge the degree of public interest involved in the bar's activity.

2. AGREE TO BE QUOTED IN NEWS STORIES. In some cases, reporters will honor a request not to be quoted, but they regard it with disdain.

   Keep these points in mind: If there is the slightest chance of being misquoted, write out your statement. Few things anger reporters or editors more than a denial of a quotation after it has been printed, especially if you took no care to be properly quoted. *Unless the point is vital, don't deny the quotation.*

   Trifling errors are inevitable in any form of communication. If you actually changed your mind, say so. Don't try to hide the fact by blaming the reporter. Say: "When I said such-and-such yesterday, I believed it expressed my considered views. Since then, I have thought it over and changed my mind as follows . . . . And this is why . . . ."

3. PROVIDE THE FULL FACTS. Clearly, accurately, promptly and in true context, even when it hurts.

4. KEEP YOUR "COOL" WHEN CALLING OR BEING CALLED ABOUT A CONTROVERSIAL MATTER. And explain your position thoroughly, fairly and clearly. If you express purely personal views, unrelated to bar affairs, preface and label them as such.

**PLEASE:**

1. DON'T DELVE INTO PROFESSIONAL ETHICS. Unless ethics is the essence of the problem or issue. To do so may inadvertently impart a "holier-than-thou" effect.

2. DON'T COLOR OR STRETCH THE FACTS. A good reporter will detect it and may put you on the spot by asking that you support what you say with facts.

3. DON'T BE EVASIVE. Trying to block a reporter only makes him dig harder to get his story. Don't underrate a determined reporter; he earns his living by getting at the facts — through the front door or back.

4. DON'T PLAY FAVORITES. Among members of the news media.

5. DON'T INDULGE IN OFF-THE-RECORD COMMENTS. Newspeople dislike such statements. However, reporters welcome "background" information if that is called for. You are always "on-the-record" with any reporter unless there is a specific agreement.

6. DON'T USE PRESSURE TO GET A STORY PRINTED. Let the story stand on its own merits. Reporters are rightfully jealous of

their own independence and resent outside influence.

7. DON'T TRY TO KEEP A STORY OUT OF THE NEWS. Reporters are fair and reasonable people. Problems should be discussed with them.

8. DON'T ASK TO SEE A STORY BEFORE IT APPEARS IN PRINT. Time is usually too short and reporters don't want to hassle. They strongly resent attempts at "prior censorship." The reporter may want to write about two sides of a controversy, and doesn't want to argue about how to handle it. Encourage a reporter to call you back to check the essentials. If he does, just clarify the facts and don't try to slant the story. If you do, he may never ask you again.

9. DON'T COMPLAIN IF A STORY ISN'T USED. More news flows across an editor's desk than he has space to publish or time to broadcast. If a story doesn't make it, assume that other stories were more important, more interesting, or better fitted for use that day. Follow-up phone calls or letters will only serve to irritate the editor.

10. DON'T EXPECT TO BUY FRIENDS OR GIVE FAVORS TO NEWSMEN. Few newsmen attend parties unless they see a chance to get some news or meet important people there. They resent any attempt to influence their coverage. By the same token, journalists now have a strict Code of Ethics which forbids them from accepting anything of value (gifts, favors, etc.).

11. DON'T EXPECT CONFIDENTIAL SOURCES TO BE REVEALED. Journalists respect, to a high degree, the newsman's ethic of protecting confidential sources of information. And most are prepared to go to jail in order to preserve that ethic.

# Legislation

Good public relations, both in the local community and in the state capitol, is essential for effective representation by the bar before the legislature.

At a legislative hearing, for example, the government committee must believe that the bar has integrity and sufficient expertise. To insure this, most bar associations devote considerable time to preparing their legislative programs. Long before its appearance at a legislative hearing, the bar should check its program with leaders of the local and state bench and bar, to eliminate weaknesses. This procedure also tends to unite the bench and bar, which is another factor contributing to legislative success.

"Thought leaders" also should be consulted, to inform them of proposals and to win their support.

Lawmakers are keenly aware of the people "back home." Proposals have occasionally failed because a legislator, his adisors or his friends have asked a member of the bench or bar for an opinion, only to find that person knew nothing of the proposal.

More and more state legislators make use of research staffs. In preparing for a hearing, find out who on the staff is analyzing the bar's proposal. Talk to him and answer his questions.

It is advantageous also to confer with the governor's staff long before your bill is reported out of the legislature, and certainly before his staff hears disparaging reports from the "grass roots" and opposing pressure groups.

Proposals should be presented on their merits. Nothing turns a legislator off faster than a crass attempt to pressure him into supporting a project. He may regard such attempts as a questioning of his good faith.

A traveling legislative committee may hold interim hearings, at which the bar may wish to testify. Such occasions are prime opportunities to make points for your proposals, as well as to enhance your public relations effort generally, and to use local people in doing so.

The local news media usually will report on the committee's activities. For this reason, it is advantageous to prepare written materials in advance of highlights of the bar's position in quotable form or an advance script of the speaker's remarks, and any supporting documents.

Duplicate and distribute such materials well before the meeting. The media usually will respect the release date specified.

Providing materials ahead of time helps reporters to select the salient features of your proposal, rather than mistakenly deal with irrelevancies or be overly influenced by the arguments of adversaries. Any number of new points are likely to be offered at a legislative hearing, but usually only those points in written form appear in the media. Since few reporters can afford the time to sit through an entire hearing, they often rely on material supplied to them.